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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,824	05/22/2000	Yukinobu Ishino		2537

25944 7590 07/18/2005

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/575,824	Applicant(s) ISHINO ET AL.	
	Examiner Thai Tran	Art Unit 2616	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attachment.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed June 30, 2005 have been fully considered but they are not persuasive.

In re page 2, applicants argue that, with respect to claim 3, Sakamoto fails to disclose or suggest an image storage to be separately connected to a television set that includes a digital circuit for retrieving desired digital still image from a main memory as recited in independent claim 3 because, in Sakamoto, the form of the displayed image data is not a television signal, but an analog RGB signal.

In response, the examiner respectfully disagrees. Sakamoto discloses in col. 6, lines 24-38 that "Referring to FIG. 4, a digital image reproducing **apparatus 10 is provided with a remote-control light receiver 122 for receiving, ...A tuner 126, which is a television signal receiver, is connected to antenna input terminal 125...**" It is noted that **claim 3 does not exclude analog RGB signal**. Since claim 3 does not exclude analog RGB, the apparatus 10 of Sakamoto disclosed in the passage above anticipates the claimed television set because it has tuner 126 for receiving television signal.

In re pages 2-3, applicants argue, with respect to claim 1, that neither Sakamoto nor Gleim, alone or in combination, disclose or suggest a system including an image storage placed separately from a television set, wherein the image storage includes a second output circuit for transmitting the control signal to input circuit of the image storage.

In response, the examiner respectfully disagrees. the examiner has point out what each of the prior art references teaches and has indicated how and why these references would have been combined to arrive at the claimed invention. As discussed in the last Office Action, Sakamoto discloses the system composed of a digital image reproducing apparatus 10 connected to a digital still camera 100.

Gleim et al is cited to suggest the advantage to transmit control signal on a separate line along with the video and audio signal between many types of equipments such as television set, video recorder, record players, com-pact-disk players, radio receivers, audio-cassette recorders, audio cassette recorders, and amplifiers due to the narrow band width and especially due to the distortions occasioned in the video signal and the extreme difficulty of separating the video signal from the audio signal inside the equipment (col. 1, lines 21-42). The transmitting control signal on a separate line along with the video and audio signals as taught by Gleim et al has similar application whether between the digital image reproducing apparatus 10 and the digital still camera 100 of Sakamoto or television set, video recorder, record players, com-pact-disk players, radio receivers, audio-cassette recorders, audio cassette recorders, and amplifiers of Gleim et al. A reference must be considered not only for what it expressly teaches, but also for what it fairly suggests. In re Burckel, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979). The artisan is presumed to know something about the art apart from what references literally disclose. In re Jacoby, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). The artisan would have recognized the obviousness of transmitting control signal on a separate line along with the video and audio signals.

In re pages 3-4, applicants state that Yoshimura, Rilly, Escallon, Jung, and Torres fail to cure deficiencies in Sakamoto and Gleim in disclosing the features of independent claims 1 and 3.

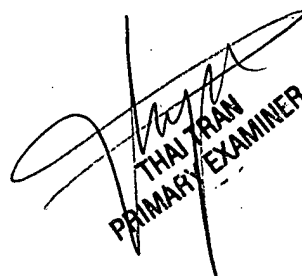
In response, as discussed above with respect to claims 1 and 3, Sakamoto and Gleim et al disclose all the claimed limitations of claims 1 and 3.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN
PRIMARY EXAMINER